

REMARKS

This Response is filed in reply to the Office Action dated February 23, 2007. Claims 1-26 are pending. Claims 1-26 are rejected. In this Response, no claims are amended, no claims are cancelled and no new claims are added. Accordingly, claims 1-26 remain pending in the application, of which claims 1 and 14 are independent.

Silence with regard to any of the Examiner's rejections is not acquiescence to such rejections. Specifically, silence with regard to Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicants consider allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claim, but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks relative to the independent claim (that Applicants consider allowable) from which the dependent claim depends.

The Examiner asserted that claims 1, 3-8, 11-14, 16-21 and 24-26 were unpatentable under the judicially created doctrine of "obviousness-type" double patenting with respect to claims 1-8, 10-19 and 21-22 of parent U.S. Patent Ser. No. 6,757,866. As the Examiner knows, obviousness-type double patenting can be overcome by a timely filed terminal disclaimer. Applicants request that the filing of a terminal disclaimer, if necessary, be deferred until allowance and issue of claims in the current application.

The Examiner rejected claims 1 and 14 under U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner contended that a "summation of ratios" was not defined in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the invention was filed, had possession of the invention. Applicants traverse the Examiner's rejection under 35 U.S.C. §112, first paragraph.

Applicants direct the Examiner's attention to paragraphs [0060] through [0071] of the current specification. As described therein, a document is given a score S_D that is a summation of the quantity $W(t)*TF_{TD}*\text{IDF}_T$ for all terms T, where IDF_T is the inverted document frequency for the term T and includes the ratio recited in claims 1 and 14.

Thus, Applicants clearly describe that the “scores for each document [are] based on a summation $[S_D]$ of ratios $[IDF_T]$ between the number of documents in the collection $[N]$ and, for each term in the selected text contained in the document, the number of documents in the collection containing the term $[N_T]$ ”. In light of this clear teaching, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph, be withdrawn.

The Examiner rejected claims 1-3, 5-16 and 18-26 under U.S.C. §103(a) as being unpatentable over Wistendahl et al., U.S. Patent Ser. No. 5,708,845 (referred to hereinafter as Wistendahl), Barr et al. U.S. Patent Ser. No. 5,873,076 (referred to hereinafter as Barr) and further in view of Niwa et al., U.S. Patent Ser. No. 5,987,460 (referred to hereinafter as Niwa). The Examiner rejected claims 4 and 17 under U.S.C. 103(a) as being unpatentable over Wistendahl, Barr and Niwa and further in view of Witteman, U.S. Patent Ser. No. 6,243,676 (referred to hereinafter as Witteman).

Applicants traverse the Examiner’s rejections under 35 U.S.C. §103(a), and respectfully request reconsideration in view of the remarks herein. Applicants note that the Examiner has for the most part repeated the rejections in the previous Office Action dated September 15, 2006, with the addition of Niwa. Accordingly and where appropriate, Applicants reiterate the remarks in Applicants’ response dated December 1, 2006.

With regard to independent claims 1 and 14, Applicants agree with the Examiner’s finding that Wistendahl and Barr do not teach a method or device for finding documents having “scores for each document based on a summation of ratios between the number of documents in the collection and, for each term in the selected text contained in the document, the number of documents in the collection containing the term”. However, the Examiner alleges that Niwa provides such teaching. Applicants respectfully disagree.

Niwa teaches obtaining the document frequency of a word defined as the number of retrieved documents where the word appears (emphasis added) (col. 9, lines 41-42) and obtaining the total document frequency of a word defined as the number of

documents using the word (emphasis added) in the entire retrieval documents subjects, with no relation with the results of retrieval (col. 9, lines 43-45). Niwa also teaches obtaining a frequency ratio defined as a value of the document frequency divided by the total document frequency (col. 9, lines 52-53). Each frequency term used in the frequency ratio described by Niwa includes documents where a topic word appears or is used.

Applicants, on the other hand, recite ratios, wherein one number used to form the ratio is not dependent on the terms in the selected text, but rather includes the “number of documents in [a] collection” of documents from which “the related documents are selected”.

Additionally, Applicants recite that the “scores for each document [are] based on a summation of ratios”. Niwa does not teach or suggest summing the frequency ratios to obtain scores for each document. In fact, as taught by Niwa, the frequency ratios are related to topic-words and not to document scores (FIG. 9). Thus, not only does the frequency ratio of Niwa not comport with the ratio recited by Applicants, nor does Niwa teach or suggest summing the frequency ratios, but there can be no motivation to combine Niwa with Wistendahl and/or Barr to obtain a document score, since the frequency ratio described by Niwa does not relate to a document score.

Accordingly, Applicants consider independent claims 1 and 14 to be allowable. Claims 2-13 and 15-26 depend upon one of allowable independent claims 1 and 14, and therefore, are also allowable for depending upon an allowable base claim.

CONCLUSION

Based on the above remarks, it is respectfully submitted that the claims and thus this application are in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call David J. O'Neill at the Patent Management Group number below.

Respectfully submitted,

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